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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,741	02/19/2004	Patrick J. Sercel	JPSA 001	1664
32047	7590	08/21/2007 GROSSMAN, TUCKER, PERREAUET & PFLEGER, PLLC 55 SOUTH COMMERCIAL STREET MANCHESTER, NH 03101		
			EXAMINER	
			ELVE, MARIA ALEXANDRA	
ART UNIT		PAPER NUMBER		
		1725		
MAIL DATE		DELIVERY MODE		
08/21/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/782,741	SERCEL ET AL.
	Examiner	Art Unit
	M. Alexandra Elve	1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 16, 17, 19, 20, 42-46 and 50-58 is/are pending in the application.
 - 4a) Of the above claim(s) 52-58 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14, 16, 19, 20, 42-46, 50-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/07, 5/25/07</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 52-58 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: drawn to cutting of a substrate.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 52-58 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 7-10, 16-17, 19-20 & 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacAnally et al. (USPN 4,752,922) and in view of Yamanaka (USPN 6,266,302).

MacAnally et al. discloses a laser system having an astigmatic focusing system, collimation and expansion of the beam(s), the use of a collimator telescope, lens and the formation of multiple focal points.

MacAnally et al. does not specifically teach convergence.

Yamanaka discloses an optical device, which uses an astigmatic element placed in a convergent optical system for focusing the beam and emitting an astigmatic beam.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use convergence as taught by Yamanaka in the MacAnally et al. process because it fully tailors the beam and hence optimizes the cutting area.

Claims 2-4, 11-12 & 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacAnally et al. and Yamanaka, as stated above and further in view of Liu et al. (USPN 6,580,054).

MacAnally et al. and Yamanaka do not teach a solid-state laser, UV, pulse durations or the processing of a sapphire substrate.

Liu et al. discloses a process for scribing sapphire substrates using a solid-state laser, which emits UV pulses. GaN is manufactured on the sapphire surface. Laser pulses of 10 to 30 nanoseconds, with a spot size of 5 to 25 microns are used to process the substrate. Grooves of about 40 microns are cut into the substrate and debris is removed using an exhaust system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use sapphire, a solid state UV laser and noted the pulse durations, as

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taught by Liu et al. in the MacAnally et al. and Yamanaka process because these are merely variations of laser types and the recording of data and parameters, in order to characterize the process operation.

Claims 6 & 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacAnally et al. and Yamanaka, as stated in the above paragraph and further in view of Snyder (USPN 5,181,224).

MacAnally et al. and Yamanaka do not teach the type of lens in the system.

Snyder discloses a laser system, which works with astigmatism features in laser processing. Plano convex and convex-concave devices are used to collimate the laser beam.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use plano convex and concave devices, as taught by Snyder in the MacAnally et al., Yamanaka and Liu et al. processing because these are merely apparatus variants.

Claims 13-14, 42-43 & 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacAnally et al. and Yamanaka, as stated in the above paragraph and further in view of Iwasaki (USPN 6,881,529),

MacAnally et al. and Yamanaka do not teach the semiconductor material, the metallic (Mo or Cu) or the use of surfactant or glycerin.

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Iwasaki discloses the laser ablation of a semiconductor material (thin film transistors) having a thermoplastic resin layer. The transistor has Mo gates and the layer contains surfactant and glycerin.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use laser ablation of semiconductor materials with Mo and surfactant and glycerin because it is a variation of the materials.

Response to Arguments

Applicant's arguments filed 5/25/07 have been fully considered but they are not persuasive.

Applicant argues that do not disclose the astigmatic focal point. The examiner respectfully disagrees because: MacAnally et al. discloses a laser system having an astigmatic focusing system and the formation of multiple focal points. Yamanaka discloses an optical device, which uses an astigmatic element placed in a convergent optical system for focusing the beam and emitting an astigmatic beam.

Applicant argues that ablation of an optical disk will destroy it. The examiner respectfully disagrees because ablation does not have to mean fully etching through the disk. In fact writing on an optical disk entails forming a pit using ablation.

Applicant argues that MacAnally uses an astigmatic beam only for reading the optical disk. The examiner respectfully disagrees because MacAnally discloses reading and writing on an optical disk.

Applicant argues that Yamanaka et al. uses the astigmatic beam for alternate purposes. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 7:30-4:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on 571-272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 20, 2007.

/M. Alexandra Elve/
M. Alexandra Elve
Primary Examiner 1725